

**WILLOUBY ESTATES  
EIGHTEEN-LOT MAJOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** John Lavey *JL*

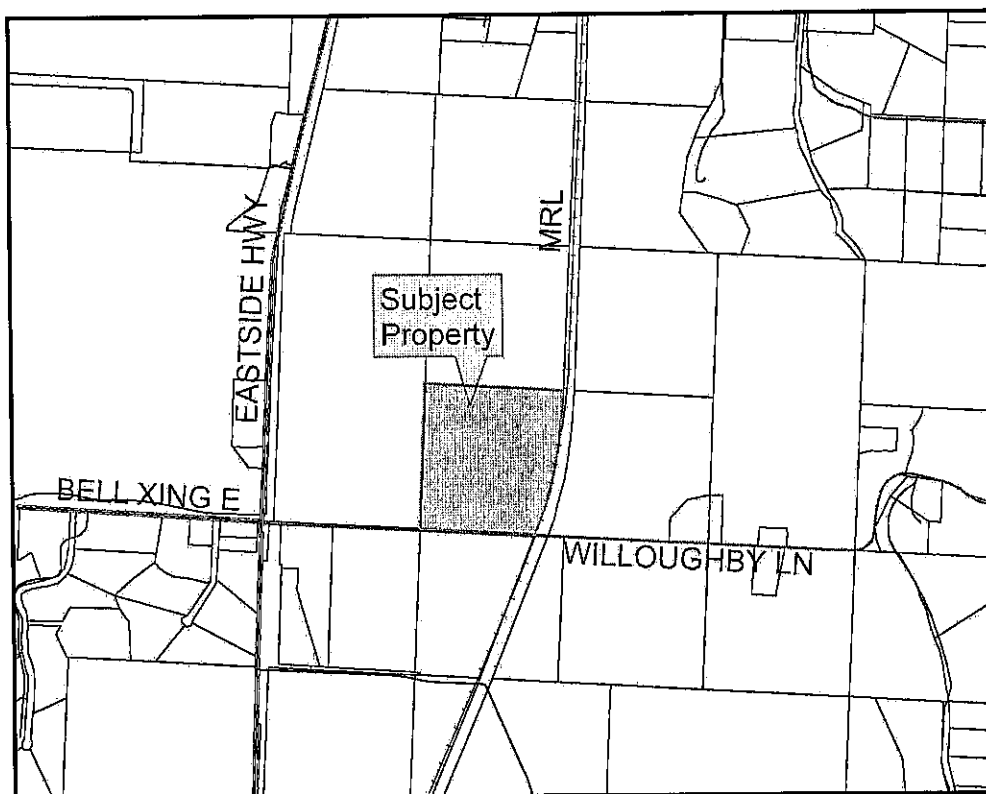
**REVIEWED/  
APPROVED BY:** Renee Lemon *RL*

**PUBLIC MEETINGS:** Planning Board Public Meeting 3:00 p.m. March 5, 2008  
BCC Public Meeting: 9:00 a.m. March 27, 2008  
Deadline for BCC action (60 working days): April 21, 2008

**SUBDIVIDER:** Willoughby Development Corporation  
3431 Eastside Highway  
Stevensville, MT 59870

**REPRESENTATIVE:** Andy Short  
Territorial-Landworks, Inc.  
PO Box 3851  
Missoula, MT 59806

**LOCATION OF REQUEST:** The property is located south of Stevensville off Willoughby Lane.  
(See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

SE ¼ SW ¼ of Section 15, T8N, R20W, P.M.M., Ravalli County,  
Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on January 25, 2008. Agencies were notified of the subdivision on October 2, 2007 and January 25, 2008. Comments received from agencies are Exhibits A-1 through A-15 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated January 25, 2008. Comments received from adjacent property owners are Exhibits B-1 through B-7.

**DEVELOPMENT  
PATTERN:**

Subject property:	Agriculture
North:	Agricultural
South:	Rural Residential
East:	Agricultural
West:	Agricultural

**INTRODUCTION**

The subject property is currently irrigated and produces alfalfa. Irrigation ditches border both the western and eastern property boundaries. The applicant is statutorily required to provide 1.89 acres of parkland, and is proposing to do so through a payment of cash-in-lieu of land dedication. Roughly 95% of the soils on the property are described as "Prime farmland if irrigated" by the Natural Resources Conservation Service. There are water rights associated with the subdivision.

*Staff recommends conditional approval of the subdivision proposal.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS**  
**MARCH 27, 2008**

**WILLOUGHBY ESTATES**  
**EIGHTEEN-LOT MAJOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the Willoughby Estates Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

***Notification of Irrigation Facilities and Easement.*** Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The Union Ditch Association and/or the Webfoot Ditch must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

***Notification of Water Rights.*** Lots within this subdivision do not currently have the right to take water from the Webfoot Irrigation Ditch on the western portion of the property. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (*Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities*)

***Limitation of Access onto a Public Road.*** A "no-ingress/egress" restriction exists along the Willoughby Lane frontage of the subdivision, excepting the approved approach to the internal subdivision road. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

***Notification of Road Maintenance Agreement.*** The internal subdivision road, Delaford Loop, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

**Notification of Proximity to Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Lake Como Reservoir Dam and/or Painted Rocks Reservoir Dam.** A portion of this subdivision may be located within the dam inundation areas for the Painted Rocks Dam and the Lake Como Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). The Lake Como Reservoir Dam is owned and operated by the Bitterroot Irrigation District (1182 Lazy J Lane, Corvallis, Montana, 59828), and the safety of the dam is overseen by the Bureau of Reclamation, Dam Safety Division (Montana Area Office, 2950 4<sup>th</sup> Avenue North, Billings, Montana, 59107). For more information regarding these dams, please contact the above agencies. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

**Notification of Proximity to Montana Rail-Link Railroad.** This subdivision is located adjacent to the Montana Rail-Link railroad grade. Standard operation of the railroad can include elevated noise levels, exhaust fumes, and engine headlights, which may be objectionable to some people. In addition, there are inherent hazards associated with railroad operations. Every train that uses this railroad track will sound a warning whistle for the Willoughby Lane grade crossing, as required by federal law. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

**Notification of Drainage Easement.** Within this subdivision there is a drainage easement along the northern boundary of Lots 13 and 14. No structure or obstruction may be placed within this easement that is not required for storm water management. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision.

Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be

composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

***Irrigation Easement Along Western Boundary of Subdivision.*** Within this subdivision there is a 25-foot wide irrigation easement along the western property boundary, as shown on the plat, to provide for the maintenance of the irrigation ditch, to discourage any interference with the ditch, and to provide for public health and safety. The Willoughby Estates Homeowners' Association is responsible for maintaining the fencing along the irrigation easement. No new structure may be constructed in this area. No trees, shrubs, or hedges may be planted within this area. Agricultural uses may occur within this area. No new utilities may be constructed in this area. Roads, trails, and utility crossings through these areas are not permitted unless required for irrigation maintenance. The proper use of chemicals and other methods of control for noxious weeds is allowed. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture, Agricultural Water User Facilities, and Public Health and Safety*)

***Lighting for New Construction.*** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

***Radon Exposure.*** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

***Control of Noxious Weeds.*** A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

***Required Posting of County-Issued Addresses for Lots within this Subdivision.*** The Stevensville Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

***Access Requirements for Lots within this Subdivision.*** The All Valley Fire Council, which includes the Stevensville Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural

Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Stevensville Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or

water storage for fire protection. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Stevensville Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
7. The final plat shall show a 10-foot wide trail easement along the inside length of the internal subdivision road. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
8. The irrigation and drainage easements shall be shown on the final plat, as shown on the preliminary plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
9. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that its installation has been approved by the Stevensville post office prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
10. The road maintenance agreement for the internal subdivision roads shall state that other parcels that may have beneficial use of the internal subdivision roads shall be allowed to join as members of the agreement without the consent of the current members. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
11. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
12. Stop signs and road name signs shall be installed at both intersections of the internal subdivision road with Willoughby Lane prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety*)
13. Prior to final plat approval, the applicant shall construct an off-road bus shelter near the western intersection of Willoughby Lane and the internal subdivision road. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
14. Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Willoughby Lane frontage of the property. Alternatively, the applicant shall submit documentation from the Stevensville School District that states they do not require a turnout on the property. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
15. A 60-foot wide public road and utility easement shall be shown on the final plat from the internal subdivision road to the northern property boundary, along the common boundary of Lots (to be determined by BCC). The easement shall be labeled as a "public road and utility easement" on the final plat. The following statement shall be shown on the final plat: "Extending Delaford Loop to access the property to the north shall be the responsibility of the developers of the property to the north". (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Natural Environment*)



16. The applicant shall provide for an additional 36 feet of public road and utility easement along the Willoughby Lane frontage of the subdivision on the final plat, as measured from the south property boundary. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
17. The final plat shall show a 25-foot wide irrigation easement along the length of the western boundary of the subdivision, as measured from the western property boundary. Fencing that meets the requirements in Section 5-6-2 of the Ravalli County Subdivision Regulations shall be installed along the length of the easement. Alternatively, the applicant shall provide evidence that the existing fence along the western property boundary meets the provisions of Section 5-6-2. *(Section 3-2-8(b)(v), RCSR, Effects on Agriculture, Agricultural Water User Facilities, and Public Health & Safety)*
18. A Homeowners' Association (HOA) shall be formed prior to final plat approval. HOA documents meeting the provisions in Section 3-1-5(a)(xxxix) shall be submitted with the final plat. The HOA documents shall include mechanisms for maintaining the ditch fencing, maintaining the irrigation infrastructure within the subdivision so that downstream irrigation users are not adversely affected, providing for weed control, and providing for education to new residents on living in a rural agricultural area. *(Section 3-2-8(b)(v), RCSR, Effects on Agriculture, Agricultural Water User Facilities, and Public Health & Safety)*
19. The final plat shall state that a contribution of \$500 per lot will be paid to the Open Lands Bond Program upon first conveyance, including lease or rent, of each lot. *(Section 3-2-8(b)(v), RCSR, Effects on Agriculture)*
20. The final plat shall show a no-ingress/egress zone along the Willoughby Lane frontage of the subdivision, excepting the approved approaches to Delaford Loop from Willoughby Lane, as approved by the Ravalli County Road and Bridge Department. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
21. The final plat shall state that a contribution of \$500 per lot will be paid to the Stevensville School District upon first conveyance, including lease or rent, of each lot. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
22. The final plat shall state that a contribution of \$500 per lot will be paid to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) upon first conveyance, including lease or rent, of each lot. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*

#### **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - a. Project name
  - b. Title block

- c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Certificate of park cash-in-lieu payment
  - i. Other certifications as appropriate
  - j. North arrow
  - k. Graphic scale
  - l. Legal description
  - m. Property boundaries (bearings, lengths, curve data)
  - n. Pertinent section corners and subdivision corners
  - o. Names of adjoining subdivisions/certificates of survey
  - p. Monuments found
  - q. Witness monuments
  - r. Acreage of subject parcel
  - s. Curve data (radius, arc length, notation of non-tangent curves)
  - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u. Lots and blocks designated by number (dimensions/acreage)
  - v. Easements/rights of ways (location, width, purpose, ownership)
  - w. Dedication for public use
  - x. No-build/alteration zones
  - y. No-ingress/egress zones
  - z. Water resources (rivers, ponds, etc.)
  - aa. Floodplains
  - bb. Irrigation canals including diversion point(s), etc.
  - cc. High-pressure gas lines
  - dd. Existing and new roads (names, ownership, etc.)
  - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - ff. No ingress/egress zone along Willoughby Road, excepting the approved approach.
  - gg. A 25-foot wide irrigation easement shall be shown along the western property boundary, as measured from the western property line.
  - hh. The internal subdivision road shall be labeled as “public road and utility easements” on the final plat.
  - ii. The applicant shall provide for an additional 36 feet of public road and utility easement along the Willoughby Lane frontage of the subdivision on the final plat, as measured from the south property boundary.
  - jj. A 60-foot wide public road and utility easement shall be shown extending from the internal road to the northern property boundary, along the common boundary of Lots (to be determined by BCC).
  - kk. A 10-foot wide trail easement shall be shown along the inside length of the internal subdivision road.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
  4. Any variance decisions shall be submitted with the final plat submittal.
  5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
  6. The final plat review fee shall be submitted with the final plat submittal.
  7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
  8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.

9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
17. Road certification(s).
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the Stevensville School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. The applicant shall pay the pro rata share of the cost to improve the portion of Willoughby Lane leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
27. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
  - a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, school bus shelter at western property entrance, construction of the internal subdivision road, a water supply that meets the requirements of the Stevensville Fire District (if cash is not contributed in lieu of), possible installation of new safety fencing along the Webfoot Ditch, and installation of bus turnout, if required by the Stevensville School District.

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. Existing utilities are located along Willoughby Road. (Willoughby Estates Subdivision Application)
2. The internal subdivision road provides for a 60-foot wide access and utility easement. (Willoughby Estates Subdivision Application)
3. The application states that no records could be found that indicate the easement width of Willoughby Lane. To ensure that sufficient easement width exists in front of the subdivision, the applicant is proposing to provide 36 feet of additional easement from the south property boundary along the length of the subdivision. (Willoughby Estates Subdivision File)
4. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### Conclusion of Law

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### Findings of Fact

1. The subdivision is accessed by Willoughby Lane. (Willoughby Estates Subdivision Application)
2. Willoughby Lane is a County-maintained road, which provides legal and physical access. (RCSR – Exhibit A)
3. The applicant is required to pay the pro rata share of the cost to improve Willoughby Lane to meet County standards. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$9,324.65 in pro rata funds. (RCSR and Willoughby Estates Subdivision Application)
4. *To ensure legal and physical access to the subdivision via Willoughby Lane, the applicant is required to pay the pro rata share of the cost to improve the portions of Willoughby Lane leading to the subdivision prior to final plat approval. (Final Plat Requirement 26)*

##### Conclusion of Law

- With the pro rata requirement of final plat approval, legal and physical access will be provided via Willoughby Lane.

#### **C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

##### Finding of Fact

- The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 27):
- a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU

and concrete slab, school bus shelter at western property entrance, construction of the internal subdivision roads, a water supply that meets the requirements of the Stevensville Fire District (if cash is not contributed in lieu of), possible installation of new safety fence along the Webfoot Ditch, and installation of bus turnout, if required by the Stevensville School District.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

**D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 2.09 acres. (Willoughby Estates Subdivision File)
3. The land to be subdivided is subject to a contract with the Union Ditch Association, which is a public entity formed to provide the use of water rights for subdivided and unsubdivided property. (Willoughby Estates Subdivision File)
4. The subdivider has received approval from the Union Ditch Association for the split of the water rights. According to the Union Ditch Association, the subdivision is allocated 1 to 1.5 inches of water per lot. (Willoughby Estates Subdivision File)
5. *Condition 1 notifies individual lot owners of the right to take water from the irrigation easement within the property.*

Conclusion of Law

With the requirements of final plat approval and the mitigating conditions of approval, this prerequisite has been met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation

- district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
- (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The applicant is proposing 20-foot wide irrigation easements centered on a proposed ditch, which will extend from the northeastern property boundary and provide irrigation water to all lots. (Willoughby Estates Subdivision File)
  3. There does not appear to be existing easements for the ditches that border the western and eastern property boundaries. (Willoughby Estates Subdivision Application)
  4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
  5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
    - *The proposed 20-foot wide irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
    - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
    - *The applicant shall provide for a 25-foot wide irrigation easement along the western boundary of the subdivision from the southern property boundary to the northern property boundary. (Condition 17)*
    - *The covenants shall include a provision indicating the allowed uses within the 25-foot irrigation easement. (Condition 2)*

#### Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

#### **F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

##### Findings of Fact

1. The application states that 1.89 acres are required to meet the parkland dedication requirement. (Willoughby Estates Subdivision File)
2. The applicant is proposing to donate cash-in-lieu of dedicating parkland. (Willoughby Estates Subdivision File)
3. In a letter dated September 22, 2006, the Ravalli County Park Board stated their concurrence with the subdividers cash-in-lieu of parkland proposal. (Exhibit A-3)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
5. *The cash-in-lieu payment shall be made prior to final plat approval. (Final Plat Requirement 12)*

#### Conclusion of Law

The applicant has proposed parkland dedication that meets State Law and is suitable to the Park Board

#### **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Willoughby Estates Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Willoughby Estates Subdivision File)

##### Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Willoughby Estates Subdivision File)

##### Conclusion of Law

This proposal complies with existing zoning regulations.

#### **C. Existing covenants and/or deed restrictions.**

##### Finding of Fact

1. There are no existing covenants or deed restrictions on the property. (Willoughby Estates Subdivision File)

##### Conclusion of Law

Since there are no covenants or deed restrictions, this does not apply.

#### **D. Other applicable regulations.**

##### Findings of Fact

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

Findings of Fact:

1. The proposed major subdivision on approximately 38 acres will result in 18 lots that range in size from 2.00 acres to 2.35 acres. The property is located roughly 4.5 miles south of Stevensville off Willoughby Lane. (Willoughby Estates Subdivision File)
2. The property is currently irrigated and produces a crop of alfalfa. (Willoughby Estates Subdivision File)
3. Parcels to the north, east, and west of the subject property are classified for tax purposes as agricultural rural and appear to be used for grazing and crop production. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program and Site Visit)
4. According to the Web Soil Survey for Ravalli County, approximately 95% of the soils located on the property are categorized as "Prime farmland if irrigated". (Willoughby Estates Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The property has water rights from the Union Ditch Association. (Willoughby Estates Subdivision Application)
6. There are ditches bordering both the eastern and western boundaries of the subdivision. There do not appear to be existing easements for either ditch. (Willoughby Estates Subdivision Application)
7. The Union Ditch, located along the length of the eastern property boundary, is proposed to be abandoned. (March 5, 2008 Planning Board, testimony of John Joost)
8. The applicants are proposing a 25-foot wide irrigation easement along the western boundary of the property. (March 5, 2008 Planning Board Meeting Minutes)
9. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansey and Canadian Thistle were scattered on the property. (Willoughby Estates Subdivision Application)
10. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
11. The Planning Board recommended that the final plat state that \$500 per lot shall be submitted to Open Lands Bond Program upon first conveyance, including lease or rent, of each lot. (March 5, 2008 Planning Board Meeting Minutes)
12. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat,*



*shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*

- The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
- A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- The final plat shall show a 25-foot wide irrigation easement along the length of the western boundary of the subdivision, as measured from the western property boundary. Fencing that meets the requirements in Section 5-6-2 of the Ravalli County Subdivision Regulations shall be installed along the length of the easement. Alternatively, the applicant shall provide evidence that the existing fence along the western property boundary meets the provisions of Section 5-6-2. (Condition 17 and Final Plat Requirement 2)*
- A provision in the covenants shall place restrictions on development within the 50-foot wide irrigation easements. Anything related to irrigation is allowed. (Condition 2)*
- A Homeowners' Association (HOA) shall be formed prior to final plat approval. HOA documents meeting the provisions in Section 3-1-5(a)(xxxix) shall be submitted with the final plat. The HOA documents shall include mechanisms for maintaining the ditch fencing, maintaining the irrigation infrastructure within the subdivision so that downstream irrigation users are not adversely affected, providing for weed control, and providing for education to new residents on living in a rural agricultural area. (Condition 18)*
- To mitigate the impacts of the loss of prime agricultural soils, the final plat shall show that a contribution of \$500 per lot will be paid to the Open Lands Bond Program upon first conveyance, including lease or rent, of each lot. (Condition 19)*

#### Conclusions of Law:

1. The impacts of this proposal to adjacent agricultural operations, including the potential distribution of noxious weeds and human/pet interference with agriculture, can be mitigated with the conditions noted above.
2. The BCC shall determine whether the mitigation as recommended by the Planning Board will mitigate the loss of prime farmland soils.
3. With the mitigating conditions of approval, requirements of final plat approval, and mitigation for the loss of prime agricultural soils, there will be minimal impacts on agriculture.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### Findings of Fact

1. The property has water rights from the Union Ditch Association. (Willoughby Estates Subdivision Application)
2. The applicant is proposing to divide the water rights so that each lot has 1 to 1.5 inches of water per acre. The Union Ditch Association has approved of the irrigation plan. (Willoughby Estates Subdivision Application)
3. The property is bound on the west by a ditch maintained by the Webfoot Irrigation District. According to the application, the property does not have rights from the Webfoot ditch. There does not appear to be an existing irrigation easement along the ditch. (Willoughby Estates Subdivision File)
4. The property is bound on the east by a ditch maintained by the Union Ditch Association. The applicants are proposing to abandon this ditch. (Willoughby Estates Subdivision File and March 5 Planning Board Meeting Minutes)
5. The diversion point from the Union Ditch is located in the extreme northeast corner of the property. From this point, a proposed ditch located within a 20-foot wide easement will traverse the common boundary of proposed Lots 7 and 8, where it intersects the road easement. Irrigation infrastructure will be located within the road easement, and is also proposed to be

located within another 20-foot wide easement along the common boundary of Lots 15 through 18. (Willoughby Estates Subdivision File)

6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
- *The notifications document filed with the final plat shall include a notification of the irrigation ditches and easements. (Condition 1)*
  - *The notifications document filed with the final plat shall include a notification that taking water from the Webfoot ditch is prohibited. (Condition 1)*
  - *The 20-foot wide irrigation easements and drainage easement shall be shown on the final plat, as proposed on the preliminary plat. (Condition 10 and Final Plat Requirement 2)*
  - *The final plat shall show a 25-foot wide irrigation easement along the length of the western boundary of the subdivision, as measured from the western property boundary. Fencing that meets the requirements in Section 5-6-2 of the Ravalli County Subdivision Regulations shall be installed along the length of the easement. Alternatively, the applicant shall provide evidence that the existing fence along the western property boundary meets the provisions of Section 5-6-2. (Condition 17 and Final Plat Requirement 2)*
  - *A provision in the covenants shall place restrictions on development within the 25-foot wide irrigation easement. Anything related to irrigation is allowed. (Condition 2)*
  - *A Homeowners' Association (HOA) shall be formed prior to final plat approval. HOA documents meeting the provisions in Section 3-1-5(a)(xxxix) shall be submitted with the final plat. The HOA documents shall include mechanisms for maintaining the ditch fencing, maintaining the irrigation infrastructure within the subdivision so that downstream irrigation users are not adversely affected, providing for weed control, and providing for education to new residents on living in a rural agricultural area. (Condition 18)*

#### Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### Findings of Fact:

##### Fire Department

1. The subdivision is located within the Stevensville Rural Fire District. (Willoughby Estates Subdivision File)
2. The All Valley Fire Council, which includes the Stevensville Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-8)
3. The Stevensville Rural Fire District was notified on October 2, 2007 and January 25, 2008. (Willoughby Estates Subdivision File)
4. In a letter dated November 1, 2007, the Stevensville Rural Fire District recommended that the subdivision install a water supply in accordance with the Fire Protection Standards, or provide a \$500 per lot contribution in lieu of water supply. (Exhibit A-1)
5. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

- Prior to final plat approval, the subdividers shall provide a letter from the Stevensville Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Stevensville Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information". (Condition 6)

#### School District

6. The proposed subdivision is located within the Stevensville School District. (Willoughby Estates Subdivision File)
7. It is estimated that nine school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household. (Census 2000)
8. The applicant is proposing to contribute \$200 per lot to the School District. (Willoughby Estates Subdivision File)
9. Notification letters were sent to the Stevensville School District requesting comments on October 2, 2007 and January 25, 2008. (Willoughby Estates Subdivision File)
10. In a letter received October 29, 2007, Kent Kultgen, Stevensville Schools Superintendent, stated that any students who move in to the boundaries of the Stevensville School District would be admitted. Additionally, he stated the following:
  - (a) School buses will not travel on roads not maintained by the County.
  - (b) Each subdivision must provide a safe pick-up/drop off zone for children.
  - (c) Although Stevensville has not completed an impact fee study, based off other area schools completed impact fee studies, the Stevensville School District is requesting \$7,500 per single family dwelling. (Exhibit A-9)
11. The Stevensville School District has not completed an impact fee study at this time and Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
12. On March 5, 2008, the Ravalli County Planning Board recommended that the developer provide a \$500 per lot contribution to the Stevensville School District on the first conveyance of each lot. (March 5, 2008 Planning Board meeting)
13. In a letter received October 15, 2007, Ernie Jean, County Schools Superintendent, relays that there is a great concern for the safety of children who attend Ravalli County schools and live within varying conditions of subdivisions in the County. As a result, he requests that developers of new subdivisions construct a bus shelter at a bus stop, and possibly a turnout or turn-around, where appropriate. (Exhibit A-7)
14. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the cost per pupil, excluding capital, would be \$8,020 for the Stevensville School District (averaging Stevensville HS and Stevensville Elem). (Exhibit A-6)
15. Staff recommends the following to mitigate impacts on the School District:
  - The final plat shall show that a contribution of \$500 per lot will be paid to the Stevensville School District upon first conveyance, including lease or rent, of each lot. (Condition 21 and Final Plat Requirement 24)

- *Prior to final plat approval, the applicant shall construct an off-road bus shelter near the western intersection of Willoughby Lane and the internal subdivision road. (Condition 13)*
- *Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Willoughby Lane frontage of the property. Alternatively, the applicant shall submit documentation from the Stevensville School District that states they do not require a turnout on the property. (Condition 14)*

#### Public Safety

16. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Willoughby Estates Subdivision File)
17. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on October 2, 2007 and January 25, 2008, but no comments have been received from the Sheriff's Office. (Willoughby Estates Subdivision File)
18. This proposed subdivision is located approximately 17 miles from the Sheriff dispatch in Hamilton. (Willoughby Estates Subdivision File)
19. The average number of people per household in Ravalli County is 2.5. (Census 2000)
20. This proposal will add approximately 45 people to Ravalli County. (Census 2000)
21. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services for the potential 45 additional people. (Willoughby Estates Subdivision File)
22. *To mitigate impacts on Ravalli County Public Safety Services, the final plat shall show that a contribution of \$500 per lot will be paid to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) upon first conveyance, including lease or rent, of each lot. (Condition 22)*

#### Roads

23. There are 18 proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 144 vehicular trips per day, assuming eight trips per day per lot. (Willoughby Estates Subdivision File)
24. Willoughby Lane, a County maintained road, provides access to the site. (Willoughby Estates Subdivision File and Ravalli County GIS Data)
25. The applicant is required to pay pro rata towards improving Willoughby Lane. (Section 5-4-5, RCSR)
26. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$9,324.65 in pro rata funds. (RCSR and Willoughby Estates Subdivision Application)
27. There is a proposed Road Maintenance Agreement for the internal road, Delaford Loop. (Willoughby Estates Subdivision File)
28. There is a possibility that the property to the north will be developed in the future. Section 5-4-4(d) of the Ravalli County Subdivision Regulations recommends that roads are planned for connectivity to future development. Future property owners of the property to the north will be able to utilize the easement if they develop the road within the easement to meet County Standards, and join the Road Maintenance Agreement for the internal road of Willoughby Estates. (Ravalli County GIS Data and RCSR Section 5-4-4(d))
29. The applicant is proposing stop signs at both intersections of Delaford Loop with Willoughby Lane, but does not appear to be proposing road name signs. (Willoughby Estates Subdivision File)
30. RCSR Section 5-4-11 requires at least one road name sign to be installed at all road intersections. (RCSR Section 5-4-11)
31. The road plans have received preliminary approval from the Ravalli County Road and Bridge Department. (Exhibit A-13)
32. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*

- A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)
- Prior to final plat approval, evidence of a Ravalli County approved road name petition for the new road shall be provided. (Final Plat Requirement 14)
- Final Road Plans and Grading and Storm Water Drainage Plans for the internal road shall be submitted with the final plat submittal and final approval from the Road Department. (Final Plat Requirement 16)
- A Road Maintenance Agreement shall be signed, notarized, and submitted for the internal road. (Final Plat Requirement 19)
- A notification of the Road Maintenance Agreement for the internal road shall be included in the notifications document filed with the final plat. (Condition 1)
- The Road Maintenance Agreement shall state that other parcels that may have beneficial use of the roads shall be allowed to join as members of the agreement without the consent of the current members. (Condition 10)
- To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
- Stop signs and road name signs shall be installed at both intersections of Delaford Loop with Willoughby Lane prior to final plat approval. (Condition 12)
- The easement for the internal subdivision road shall be labeled as public road and utility easements on the final plat. (Condition 11)
- The final plat shall show a no-ingress/egress zone along the Willoughby Lane frontage of the subdivision, excepting the approved approaches to Delaford Loop from Willoughby Lane, as approved by the Ravalli County Road and Bridge Department. (Condition 22 and Final Plat Requirement 2)
- A notification of this limitation of access will be included in the notifications document. (Condition 1)
- The applicant shall submit final approved approach permits from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)
- To mitigate impacts on local services, the applicant shall provide for a public road and utility easement connecting the proposed internal road to the property to the north. (Condition 15)
- Prior to final plat approval, the applicant shall construct an off-road bus shelter near the western intersection of Willoughby Lane and the internal subdivision road. (Condition 13)
- Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Willoughby Lane frontage of the property. Alternatively, the applicant shall submit documentation from the Stevensville School District that states they do not require a turnout on the property. (Condition 14)
- In order to ensure the proper drainage of this subdivision and to mitigate impacts on local services, a notification of the drainage easement shall be included in the notifications document to be filed with the final plat. (Condition 1)
- The applicant shall provide for an additional 36 feet of public road and utility easement along the Willoughby Lane frontage of the subdivision on the final plat, as measured from the south property boundary. (Condition 16)

#### Pedestrian Facilities

33. In a letter received October 11, 2006, the Ravalli County Park Board suggested that the developer provide a trail connection to Willoughby Lane along the internal loop road. (Exhibit A-3)
34. In conversation on February 6, 2008, a Park Board representative requested that the applicant provide a 10-foot wide public trail easement along the road for a future trail. (Exhibit A-14)
35. There is currently no pedestrian trail along the frontage of the subdivision. (Site Visit)

36. *In anticipation of any future trail system in the area, the final plat shall show a 10-foot wide trail easement along the inside length of the internal subdivision road. (Condition 9)*

#### Ambulance Services

37. Ambulance services will be provided by either Marcus Daly Memorial Hospital EMS Department or Missoula Emergency Services. Marcus Daly and Missoula Emergency Services were contacted, but no comments have been received to date. (Willoughby Estates Subdivision File)
38. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

39. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Willoughby Estates Subdivision File)

#### Solid Waste Services

40. Bitterroot Disposal provides service to this site. (Willoughby Estates Subdivision File)
41. Notification letters were sent to Bitterroot Disposal requesting comments on October 2, 2007 and January 25, 2008, but no comments have been received. (Willoughby Estates Subdivision File)

#### Mail Delivery Services

42. In a letter dated September 7, 2006, the Stevensville Post Office told the applicant to install a Collective Box Unit (CBU) on a concrete slab for mail delivery. (Exhibit A-2)
43. *To mitigate impacts on local services, the applicants shall install the concrete slab and CBU, and provide evidence of its approval by the Stevensville post office prior to final plat approval. (Condition 12)*

#### Utilities

44. The proposed subdivision will be served by Northwestern Energy and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Willoughby Estates Subdivision File)
45. Notification letters were sent to the utility companies requesting comments on October 2, 2007 and January 25, 2008. (Willoughby Estates Subdivision File)
46. In a letter dated September 11, 2007, Qwest communications stated that they will be able to provide telecommunications service to this development. (Willoughby Estates Subdivision File)
47. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Air Quality

1. In a letter dated November 9, 2007, the Montana Department of Environmental Quality (DEQ) identified that Ravalli County is failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. (Exhibit A-15)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

#### Ground/Surface Water

4. Irrigation ditches border the property on the west and on the east. Other than an irrigation diversion to the Union Ditch to the east, there will be no modification to either of the ditches. (Willoughby Estates Subdivision File)
5. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Willoughby Estates Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Willoughby Estates Subdivision File, MCA 76-3-622)
7. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Light Pollution

8. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
9. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

#### Vegetation

10. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansey and Canadian Thistle were scattered on the property. (Willoughby Estates Subdivision Application)
11. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Willoughby Estates Subdivision Application).
12. The applicant has identified that wetland vegetation may be supported along the length of the western and eastern irrigation ditches. (Willoughby Estates Subdivision File)
13. The applicant was required to submit a sensitive species report for several species of wildlife (see Wildlife and Wildlife habitat). In the report, John Beaver, Ecologist, identifies that the wetland vegetation along the ditches may provide habitat for the Bobolink, as well as the weed patch along the railroad. (Willoughby Estates Subdivision File)
14. The applicant is proposing a 15-foot no-build/alteration zone along the length of the western property boundary to protect Bobolink habitat, and any potential wetland vegetation. In addition, the applicant is proposing a five-foot no-build/alteration zone along the length of the eastern property boundary to protect potential bobolink habitat. (Willoughby Estates Subdivision File)

15. The applicant has proposed a set of covenants to be file with this subdivision. The covenants include a building setback of 25-feet from property boundaries. While residences, garages, and structures are prohibited within this area, it does not appear to protect vegetation within the same area. (Willoughby Estates Subdivision File)
16. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
17. There is a conflict between the need for noxious weed control and the maintenance of irrigation facilities, and the preservation of wildlife habitat as may be found along the western and eastern property boundaries. Staff determined that the need for irrigation facilities maintenance and the control of noxious weeds outweighs the need to protect wildlife habitat that may, or may not, exist on the subject property. Therefore, staff is recommending that the no-build/alteration zones as proposed by the developer not be a part of the final plat submittal. (Staff Determination)
18. *To mitigate impacts on the natural environment, the following conditions and requirements shall be met:*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *The following statement shall be shown on the final plat: "Development of roads within the easements between this property and the property to the north shall be the responsibility of the future developers of the property to the north." (Condition 15)*
  - *The final plat shall show a 25-foot wide irrigation easement along the length of the western boundary of the subdivision, as measured from the western property boundary. Fencing that meets the requirements in Section 5-6-2 of the Ravalli County Subdivision Regulations shall be installed along the length of the easement. Alternatively, the applicant shall provide evidence that the existing fence along the western property boundary meets the provisions of Section 5-6-2. (Condition 17 and Final Plat Requirement 2)*
  - *A HOA shall be formed in accordance with Section 3-1-5(a)(xxxix) of the RCSR to properly administer the provisions of the noxious weed control plan, maintain the ditch fencing, and maintain the irrigation infrastructure. (Condition 18)*

#### Archaeological Resources

19. There are no known sites of historical significance on the property. (Willoughby Estates Subdivision Application)
20. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

#### Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

#### **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

##### Findings of Fact:

1. The property is not located within big-game winter range. (FWP)
2. FWP recommended living with wildlife covenants for the property. (FWP)
3. According to the Montana Natural Heritage Program (MNHP) in October of 2006, the Bobolink, the Townsend's Big-eared Bat, and the Barn Owl were identified as species of concern as they



have been known to exist in the same section as the proposed subdivision. (Willoughby Estates Subdivision Application)

4. The subdivider submitted a sensitive species report for the Bobolink, the Townsend's Big-eared Bat, and the Barn Owl, prepared by an ecological consultant named John Beaver. Mr. Beaver visited the site in August of 2006 and found the habitat to be non-existent for the Townsend's Big-eared Bat and the Barn Owl. (Willoughby Estates Subdivision Application)
5. Mr. Beaver found that the wetland fringe on the western property boundary and the weedy vegetation along the eastern property boundary "could provide breeding and nesting habitats" for the Bobolink. (Willoughby Estates Subdivision File)
6. The report did not indicate that the Bobolink was found on the subject property, nor did it indicate that there was any evidence that the Bobolink may have used the subject property as habitat. (Willoughby Estates Subdivision File)
7. There is a conflict between the need for noxious weed control and the maintenance of irrigation facilities, and the preservation of wildlife habitat as may be found along the western and eastern property boundaries. Staff determined that the need for irrigation facilities maintenance and the control of noxious weeds outweighs the need to protect wildlife habitat that may, or may not, exist on the subject property. Therefore, staff is recommending that the no-build/alteration zones as proposed by the developer not be a part of the final plat submittal. (Staff Determination)
8. To mitigate impacts on agriculture, agricultural water user facilities, natural environment, wildlife and wildlife habitat, and public health and safety, staff is recommending that the applicants provide a 25-foot wide easement along the western property boundary. The applicants would be required to fence the area, which would also protect the area from any alterations not associated with the maintenance of irrigation facilities. (Staff Determination)
9. *To mitigate impacts on wildlife, the following conditions shall be met:*
  - *The covenants shall include a living with wildlife section. (Condition 2)*
  - *The final plat shall show a 25-foot wide irrigation easement along the length of the western boundary of the subdivision, as measured from the western property boundary. Fencing that meets the requirements in Section 5-6-2 of the Ravalli County Subdivision Regulations shall be installed along the length of the easement. Alternatively, the applicant shall provide evidence that the existing fence along the western property boundary meets the provisions of Section 5-6-2. (Condition 17 and Final Plat Requirement 2)*
  - *A HOA shall be formed in accordance with Section 3-1-5(a)(xxxix) of the RCSR to properly administer the provisions of the noxious weed control plan, maintain the ditch fencing, and maintain the irrigation infrastructure. (Condition 18)*

#### Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

#### **CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

##### Findings of Fact:

##### Traffic Safety

1. Access is proposed off Willoughby Lane. (Willoughby Estates Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

##### Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Stevensville Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency

Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Willoughby Estates Subdivision Application)

4. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

#### Water and Wastewater

5. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Willoughby Estates Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Willoughby Estates Subdivision File, MCA 76-3-622)
7. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Natural and Man-Made Hazards

8. There are currently large irrigation ditches along the western and eastern boundaries of the subdivision. Though they are not considered to be "supply ditches" (as defined by 5-6-2(a) of the RCSR), they appear to carry a substantial amount of water during irrigation season. (Willoughby Estates Subdivision Application and Site Visit)
9. The Union Ditch, located along the eastern property line, is proposed to be obliterated just past the point where the irrigation diversion for this subdivision is proposed. (March 5, 2008 Planning Board, testimony of John Joost)
10. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
11. A portion of the southeast corner of the property may be located within the Painted Rocks and Lake Como Dam inundation areas. (Ravalli County GIS Data)
12. The Montana Rail-Link railroad is located adjacent to this development, along the eastern property boundary. (Ravalli County GIS Data)
13. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
  - *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
  - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
  - *The notifications document shall include a statement regarding the proximity of the Painted Rocks and Lake Como Dam inundation areas. (Condition 1)*
  - *A notification of the proximity of the railroad shall be included in the notifications document. (Condition 1)*
  - *The applicants shall provide for a 25-foot wide easement along the western boundary of the subdivision. (Condition 17)*
  - *The applicants shall be required to fence the irrigation easements. (Condition 17)*
  - *A Homeowners' Association shall be formed to maintain the fencing. (Condition 18)*
  - *A provision in the covenants shall restrict any activities not related to irrigation within the 25-foot wide irrigation easement. (Condition 2)*

#### Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Stevensville Rural Fire District  
P.O. Box 667  
Stevensville, MT 59870

NOV 05 2007  
IC-07-11-1400  
Ravalli County Planning Dep

## EXHIBIT A-1

November 1, 2007

Ravalli County  
Planning Board  
Attn: John Lavey  
215 South 4<sup>th</sup>, Suite F  
Hamilton, MT 59840

Re: Willoughby Estates Subdivision  
Stevensville, MT

Dear Mr. Lavey,

We have reviewed the above referenced property in regard to access and water. We found access to be adequate and we require either a water system in accordance with the uniform fire code or a \$500.00 per lot voluntary contribution. We have no objections to this proposed sub-division.

Sincerely,



Bill Perrin, Chief  
Stevensville Rural Fire District

BP:slm



RECEIVED

SEP 08 2006  
10-06-09-1426  
Ravalli County Planning Dept.

September 7, 2006

Landworks Consulting and Design, Inc.  
Larry Popp  
P.O. Box 7908  
Missoula, MT 59807-7908

RE: Willoughby Estates  
Section 15, T08N, R20W  
Ravalli County, Montana

## EXHIBIT A-2

To Whom It May Concern:

To assist you with the land development project located at Willoughby Estates, please note that it is the contractor or contractor's responsibility to provide a CBU (Centralized Box Unit) that will accommodate all the residents in the subdivision.

The cost of the CBUs range in price from \$600.00 to \$1,000.00, depending on the size. They may be purchased through the following manufacturer:

**AUTH-FLORENCE MANUFACTURING**  
5935 Corporate Drive  
Manhattan, KS 66503-9675  
**Telephone: 800-275-5081**  
**Website: <http://www.auth-florence.com>**

To properly accommodate each CBU, a 3 foot X 3 foot X 3 inch cement slab must be provided for each unit.

The USPS will provide installation of the CBU to the cement slab. The USPS will also maintain the keys and locks, as well as maintaining the unit in operating condition, unless other arrangements are made by the residents or a home association.

Thank you for passing this information on to the appropriate individuals involved. Please feel free to call me with any questions. I can be reached at (406) 777-5812.

Sincerely,

Kimberly A. Hammond  
Postmaster-Stevensville, MT 59870

Cc: Ravalli County Planning Dept.  
Renee Van Hoven  
215 S 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

Big Sky District  
USPS-Consumer Affairs  
841 S 26<sup>th</sup> Street  
Billings, MT 59101-9998

701 MAIN ST  
STEVENSVILLE, MT 59870-9998  
1-406-777-5812  
FAX: 1-406-777-1061

September 22, 2006

## EXHIBIT A-3

Larry Popp  
Landworks Consulting & Design, Inc.  
802 West Main  
Hamilton, MT 59840

RECEIVED  
OCT 11 2006  
RCB 0-10-1606  
Ravalli County Planning Dept.

Subject: Willoughby Estates  
Preliminary Plat

Dear Larry:

Thank you for providing a copy of the Proposal Summary and the Preliminary Plat for Willoughby Estates Subdivision to the Ravalli County Park Board.

Your proposal would require the dedication of less than two acres for park land, a size below that we prefer for a park. We, therefore, concur with the proposed provision of cash in lieu of dedicated parkland.

We do suggest providing an trail connection to Willoughby Lane along the loop road which the residents can enjoy and which may provide future access to a county wide trail system.

Sincerely,

Robert M. Cron  
For  
Gary Leese  
Chairperson  
Ravalli County Parks Board

cc: Karen Hughes  
Ravalli County Planning Department

1515 S 14 W  
Missoula, MT 59801-4927

RECEIVED  
SEP 12 2006  
1506-09-1440  
Ravalli County Planning Dept.

September 11, 2006

**Qwest**  
Spirit of Service

## EXHIBIT A-4

Larry Popp  
Landworks Consulting & Design, Inc.  
P.O. Box 7908  
Missoula, MT 59807

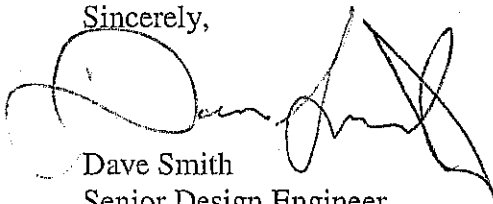
RE: Willoughby Estates

Thank you for the information on the proposed 20-lot Willoughby Estates subdivision located north of Willoughby Lane in Stevensville, MT.

Qwest Corporation will provide telecommunications service to this development under the terms and conditions of the Provisioning Agreement for Housing Development (PAHD). This agreement stipulates Qwest will provide the facilities at no charge to the developer/builder as long as the cost does not exceed the cap of \$775 per lot established for the state of Montana. The developer/builder must pay costs in excess of the cap prior to the start of any required construction. Upon receipt of a final plat, the cost of providing service to the development and placement of facilities will be determined and provided to the developer/builder.

Please provide an 11" x 17" copy of the final plat and notification of a development start date when available to allow for a timely response. If you have any additional questions or information, please call me on 406-543-2175.

Sincerely,



Dave Smith  
Senior Design Engineer  
1515 S 14 West  
Missoula, MT 59801-4927

cc: Renee VanHoven  
Ravalli County Planning  
215 South 4<sup>th</sup> Street  
Hamilton, MT 59840



# **Montana Fish, Wildlife & Parks**

## **EXHIBIT A-5**

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3099  
406-542-5500  
September 22, 2006

Larry Popp  
Landworks Consulting & Design, Inc.  
PO Box 7908  
Missoula, MT 59807-7908

Dear Mr. Popp:

Reference: Willoughby Estates--Proposed major (20 lots on 36.8 acres) subdivision,  
south of Stevensville at Bing

We have reviewed the preliminary plat, topographic map and preliminary proposal summary for this subdivision, and our comments follow.

This proposed subdivision is near agricultural fields and irrigation ditches, and valley-bottom streams with associated riparian areas are within one-half mile to the west. We believe there is a general likelihood of human/wildlife interactions at this location. In particular, wildlife such as white-tailed deer, fox, skunk, and magpie could be found in the area, as well as an occasional black bear and possible mountain lion. Numerous small-mammal and bird species would also be found nearby. We believe that "living with wildlife" issues should be conveyed as part of the covenants to future residents in this subdivision, in order to help them deal with and avoid potential wildlife issues. We have enclosed our recommended version of such covenants.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

*/s/ Mack Long*

Mack Long  
Regional Supervisor

ML/sr

Enclosure: "Living with Wildlife" covenants

C: Ravalli County Planning Department, Attn: Renee Van Hoven, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Recommended Covenants for Willoughby Estates (Willoughby Devel, Inc.; Joost & Erhart) subdivision, suggested by Montana Fish, Wildlife & Park; Missoula; September 22, 2006

## Section \_\_: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and dogs. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed is an** attractant to bears. If used, bird feeders should: 1) be suspended a minimum of 15 feet above ground level; 2) be at least 4 feet from any support poles or



points; and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.

- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting bears, skunks, raccoons, and other wildlife. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** can attract bears. Consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

# Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

## EXHIBIT A-6

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: \* County levied Retirement and Transportation

RECEIVED

OCT 15 2007

IC-07-10-1305  
Ravalli County Planning Dept.



## EXHIBIT A-7

October 15, 2007

James Rokosch, Chair  
Ravalli County Commissioners  
215 South 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ernie Jean", is written over a circular stamp.

Ernie Jean, EdD  
County Superintendent

RECEIVED

OCT 15 2007

Ravalli County Commissioners

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SEP 13 2005

## EXHIBIT A-8

**H**amilton  
Rural Fire  
DISTRICT*Consensus of All Valley Fire Council*  
Ravalli County Planning Dept.  
TC-05-09-1707  
Post Office Box 1994 Hamilton, MT 59840**FIRE PROTECTION STANDARDS**

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

**ACCESS ROADS**

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS: 1.** When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS: 1.** When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Superintendent  
Kent Kultgen  
Ext. 136



## Stevensville Public Schools

300 Park Avenue  
Stevensville, MT 59870  
Phone: 406-777-5481  
Fax: 406-777-1381



Business Manager  
Bill Schiele  
Ext. 139

### EXHIBIT A-9

John Lavey  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840

RECEIVED

OCT 30 2007  
IC-02-10-1384  
Ravalli County Planning Dept.

October 29, 2007

Dear Mr. Lavey:

This letter is in reference to your correspondence on the Willoughby Estates Major subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses cannot travel on non-maintained Ravalli County Roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,

Kent Kultgen  
Superintendent  
Stevensville Schools



# MONTANA HISTORICAL SOCIETY

225 North Roberts \* P.O. Box 201201 \* Helena, MT 59620-1201  
\* (406) 444-2694 \* FAX (406) 444-7606

October 4, 2007

**EXHIBIT A-10**

Ravalli County  
Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton MT 59840

**RECEIVED**

**OCT 09 2007**  
**IC-07-10-1285**  
Ravalli County Planning Dept.

RE: WILLOUGHBY ESTATES MAJOR SUBDIVISION, RAVALLI COUNTY. SHPO  
Project #: 2007100402

To Whom It May Concern:

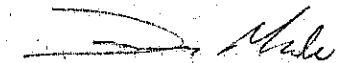
I have conducted a cultural resource file search for the above-cited project located in Section 15, T8N R20W. According to our records there has been one previously recorded site within the designated search locale. Site 24RA0271 is the historic Bitterroot railroad. The absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old we would recommend that they be recorded and a determination of their eligibility be made.

As long as there will be no disturbance or alteration to structures over fifty years of age we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated. Thank you for consulting with us.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov).

Sincerely,

  
Damon Murdo  
Cultural Records Manager

File: LOCAL/SUBDIVISIONS/2007



DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
MISSOULA WATER RESOURCES REGIONAL OFFICE

RECEIVED

SEP 11 2006

16-0609-1432  
Ravalli County Planning Dept.



BRIAN SCHWEITZER  
GOVERNOR

1610 S. 3RD STREET W., SUITE 103  
P.O. BOX 5004

STATE OF MONTANA

(406) 721-4284  
FAX (406) 542-1496

MISSOULA, MONTANA 59806-5004

September 8, 2006

Larry Popp  
Landworks Consulting and Design, Inc.  
PO Box 7908  
Missoula, MT 59807

**EXHIBIT A-11**

RE: Proposed Willoughby Estates Subdivision

Dear Mr. Popp:

Thanks for the opportunity to comment on the above mentioned 20 residential lot subdivision.

The information provided indicates that the proposed water supply is groundwater from individual wells for each homesite. This proposal for water supply is not in conflict with the Montana Water Use Act. Groundwater sources with a combined appropriation of a flow rate of 35 gallons per minute or less and an annual volume of 10 acre feet or less are exempt from water right permit requirements. Wells must be physically manifold into the same system to be considered as a combined appropriation. Water right filing requirements for these non-manifold lower flow rate & volume wells is satisfied with a Notice of Completion of Groundwater Development filed by the landowner with this office within 60 days of well completion and beneficial use of the water.

As stated above, the proposal for individual wells is not in conflict with the Montana Water Use Act. However, it may be prudent to consider a community water system for a subdivision of this density and number of lots. A community water system offers some advantages over the individual well scenario proposed.

- o A community water system would require the developer to go through the water right permit process. This process requires aquifer testing and analysis and public notice to surrounding water right holders, who would have the opportunity to object to the new water right if they felt they would be adversely affected. With wells that meet the permit exemption there is no public notice process, even though the cumulative effect on the aquifer of all the individual wells will likely be similar to a community system well.
- o A community system would allow the well(s) to be located further from the drainfields and mixing zones.



Missoula District Office  
2100 W Broadway  
PO Box 7039  
Missoula, MT 59807-7039

RECEIVED

SEP 12 2006  
1C-06-09-1445  
Ravalli County Planning Dept.

September 11, 2006

Larry Popp  
Landworks Consulting & Design, Inc.  
P.O. Box 7908  
Missoula, MT 59807

## EXHIBIT A-12

Subject: 20-lot residential subdivision "Willoughby Estates" – Ravalli County

Larry, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 20-lot residential subdivision "Willoughby Estates". The proposed subdivision is accessed via Willoughby Lane which is the east leg of the intersection of State Secondary 269 (Eastside Highway) and State Secondary 370 (Bell Crossing).

I have no specific comments regarding the access to Willoughby Lane as this is not a State Maintained roadway, nor do I have any immediate concerns or comments regarding the 20-lot subdivision.

However, I do urge Ravalli County to consider the future operations of this intersection at the Eastside Highway. As development continues in this area and the traffic volumes increase on Willoughby Lane, Bell Crossing and the Eastside Highway; additional intersection control may be warranted. MDT encourages Ravalli County to work towards creating and assessing impact fees to address these current and future transportation needs.

As development continues in Ravalli County, the transportation needs are going to increase. Intersection and road improvements will be needed in many locations. Funding for these improvements will be very hard to find, if not impossible. These are all funds that could be assessed as an impact fee and then reserved for use at a later date.

Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron  
Missoula District Traffic Engineer

copies: Dwane Kailey, Missoula District Administrator  
Gary Hornseth, Missoula Area Maintenance Superintendent  
Ravalli County Planning, 215 South 4<sup>th</sup> Street, Suite F, Hamilton, MT 59840

RECEIVED

JAN 23 2008

TC-08-01-75  
Ravalli County Planning Dept.

**David Ohnstad**

**From:** David Ohnstad  
**Sent:** Wednesday, January 23, 2008 10:56 AM  
**To:** John Lavey  
**Cc:** 'Leo Delaney'  
**Subject:** FW: Willoughby Estates  
**Attachments:** Prelim Review Completion 011708.pdf

**EXHIBIT A-13**

John -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

**From:** Cindy Kuns [mailto:CKuns@wgmgroup.com]  
**Sent:** Thursday, January 17, 2008 4:07 PM  
**To:** David Ohnstad  
**Subject:** Willoughby Estates

We have completed the preliminary review for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments is being mailed.

**Cindy Kuns**  
Project Assistant



P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmgroup.com](mailto:CKuns@wgmgroup.com)  
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>

1/23/2008



**DATE:** January 17, 2008

**TO:** David Ohnstad, Ravalli County Road & Bridge Department

**FROM:** Jonathan L. Gass, P.E.

**RE:** Willoughby Estates Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 11/29/07
- 2) Preliminary comment response from design engineer, dated 12/11/07
- 3) Comment response email from WGM Group, dated 1/8/08
- 4) Design engineer response to comments, dated 1/10/08

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

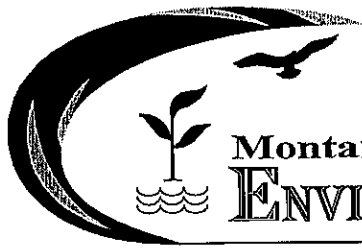
Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.

Conversation with Bob Cron (At February 6, 2008 Planning Board Meeting)

John reminded Bob that the Park Board had recommended the developers of Willoughby Estates provide a trail connection along the internal subdivision loop road. John asked for clarification regarding the connection. Bob replied that an easement 10-feet in width would provide room for any future trail improvement projects.

## **EXHIBIT A-14**



Montana Department of  
**ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.mt.gov](http://www.deq.mt.gov)

November 9, 2007

Dear Interested Party:

## EXHIBIT A-15

The U.S. Environmental Protection Agency (EPA) recently revised the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The NAAQS are nation-wide air quality standards established to protect the public from unhealthy levels of air pollution. EPA's revised PM NAAQS took effect on December 18, 2006.

The Montana Department of Environmental Quality (DEQ) evaluated air quality monitoring data across the state and determined that Missoula, Lincoln, and Ravalli Counties fail to meet the PM NAAQS. The Governor is required to notify EPA of all counties violating the PM NAAQS by December 18, 2007. EPA is then required to take final action on the Governor's recommended "nonattainment area" list by December 18, 2008 and officially confirm their status as nonattainment areas. As a consequence of EPA designation of nonattainment, Congress directs states to submit a federally enforceable air pollution control plan to EPA for approval.

In Ravalli County, new air quality regulations on motor vehicles, wood stoves, open burning, and industrial operations must be developed and will likely affect many county residents. Proactively, DEQ would like to work with local governments, the potentially regulated community, and other interested parties to identify and develop the new regulations to control the sources of particle matter air pollution in Ravalli County. DEQ representatives will hold the initial meeting with interested parties in the Ravalli County Commission meeting room on Wednesday, December 12, 2007 from 1 to 3 PM.

If you have any questions, please contact me or Bob Habeck ([bhabeck@mt.gov](mailto:bhabeck@mt.gov) or 444-7305). Please feel free to copy and distribute this notice to any parties you believe might be interested in this matter. Thank you for your efforts in protecting Ravalli County's clean air resource.

Robert K. Jeffrey  
Air Quality Specialist  
Air Resources Management Bureau  
Montana Dept. of Environmental Quality  
POB 200901 Helena, MT 59620-0901  
Voice (406)444-5280; fax 444-1499  
[rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

Robert L. and Kathleen L. White  
369 Willoughby Lane  
Stevensville, MT 59870

February 29, 2008

RECEIVED

MAR 03 2008  
IC-09-03-202  
Ravalli County Planning Dept.

Mr. John Lavey  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

## EXHIBIT B-1

Re: Willoughby Estates Major Subdivision

Dear Mr. Lavery:

We own the property directly across Willoughby Lane to the south of this proposed subdivision. Thank you for the opportunity to address our concerns. As the criteria outlined by the Board of County Commissioners we would like to speak to # 6 Effects on Public Health and Safety and #1 Effects on Agriculture.

As to the issue of public health and safety: in past years when this property was heavily irrigated water would flood our basement. Based on this occurrence we know that underground water drains to the south. Our concern is that nitrates from septic systems will appear in our well water. We intend to monitor our well before and after home construction in this subdivision. If nitrates appear in our well, will the developer be responsible to drill us a deeper well? If the developer is not responsible then who is? Will the county be responsible?

As to the issue of agriculture: this land is prime agricultural ground with or without irrigation. We find it interesting that the property is described as "prime farmland, if irrigated." The last two years there has been no irrigation put to this land and two good cuttings of hay have been taken with a third light cutting possible per year. This area has some of the best and deepest top soil in the valley. The facts should be presented accurately. Our valley only has a small amount of prime agricultural ground. It is our belief that this ground could be put to better use than planting a subdivision on it.

Having stated our concerns about this being prime agricultural land we also believe that a person should be able to do what he wants with his property as long as it doesn't adversely affect any of their neighbors. Polluting our well would be an adverse effect.

Thank you for your time and consideration of our concerns.

*Bob & Katie White*

Bob & Katie White

RECEIVED

FEB 29 2008

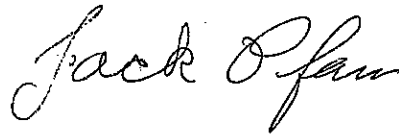
Ravalli County Planning Dept.

## EXHIBIT B-2

To Whom It May Concern:

IC -08-02-199

I was born and raised in Ravalli County and have lived on a farm all of my life. I know that farm land is not going up in price whereas subdivision price is. Self employed farmers do not have a retirement plan to depend on when they retire. The only retirement we have is the land that we own, the land that has been driven up in value by the recent influx of residents to our valley. The county has in place six criteria that is to be met before a piece of land can be considered for subdivision. If all six are met then I feel you have no choice but to approve it. I believe that Willoughby Estates has met that criteria and therefore should be approved.



Jack Pfau  
2685 Eastside Hwy  
Stevensville, Mt 59870



# EXHIBIT B-3

February 25, 2008

RECEIVED

FEB 29 2008

Ravalli County Planning Dept.

To Whom It May Concern:

IC-08-02-197

We wish to offer our support of the proposed subdivision Willoughby Estates. Our family has lived on Willoughby Lane for 50 years, known the Strange family for 54 years. They have lived on this land for 6 generations; they have been leading citizens of this valley serving the community faithfully. At this time there are no heirs to continue farming the property, there are also health concerns. The high cost of farming has made negative returns—land taxes, fuel, insurance, and other operating costs. The health concerns necessity the need for funds. Liquidating the property for subdivision is a means of accessing the equity they have built up for times such as this and for retirement years. The revenue generated from this sale, will also provide operating costs for continued farming activity of the existing farmland.

The Strange family sold the property with the understanding that it would be developed; the sale is contingent on the approval of the subdivision.

The location is ideal for a subdivision; they are close to a fire department, on a bus route, garbage route, mail, oiled road, and within easy access of main roads and towns. The increase in traffic would not affect the current residents of Willoughby.

The development will increase the tax base of this property, thus befitting the local school, and community. The residents of this subdivisions would help defer the cost of maintance of the Union Ditch Water system. Thus, adding local farming by alleviating the need for increase water dues to maintain the ditch.

As a local farming family, we intend to continue farming the Willoughby area and see no negative affects from this sale. The sale will actually benefit our family farm by increasing consumer activities of our products.

We once again wish to offer our support of this subdivision.

The McPherson Family

  
Kenneth Elaine

Hans

Peter

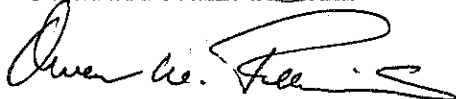
Chris

  
Penny

Tina

  
Debby

  
Owen and Jeanie Robbins



RECEIVED

FEB 9 2008

To Whom It May Concern:

Kavalli County Planning Dept.

IC-08-02-198

My name is Phillip Ludlow, and my family has been farming in the Stevensville area since the late 1940's and on Willoughby Lane since the early 1950's. My grandfather and my father both received numerous awards for the production, and quality of our family dairy. Needless to say, our property is still in use for agricultural purposes, and will be for many years to come.

We have been excited about the prospect of an agriculture friendly subdivision in the area, ever since we heard of the possibility several months ago. We are enthused at the chance to defer some of the maintenance costs related to the union ditch, and the chance to sell more of our produce to new neighbors.

No variances have been requested, the road will see a minimum increase in traffic, due to the ideal location of this development in relation to the Eastside Highway, and many of our new neighbors will participate in the agricultural tradition of this area, by utilizing their 2+ acre lots.

Hence we see nothing negative coming from this subdivision, and look forward to the speedy approval of this and other responsible developments in the valley.

Sincerely, Phillip B. Ludlow



**EXHIBIT B-4**

## EXHIBIT B-5

**John Lavey**

---

**From:** Gregory Monk [natures\_enhancement\_inc@msn.com]  
**Sent:** Wednesday, March 05, 2008 1:11 PM  
**To:** John Lavey  
**Subject:** Willoughby Estates Major Subdivision

I am the president of Nature's Enhancement, Inc. which is located at the corner of Eastside Highway and Willoughby. Unfortunately I am unable to attend the meeting tonight. If it is possible to receive the meeting notes from the meeting that would be great.

My only questions at this time are as follows:

Effects on Agriculture and Water; Will the subdivision be using the ditch water that runs past the site or drilling wells to accomdate the house and lawn water uses?

In regards to Effect on local Services and Effects on Public Health and Safety; The corner of Bell Crossing/Willoughby and Eastside Highway has a blinking light but is also the site of many accidents.

Nature's Enhancement is a large wholesale nursery, and during plant harvesting and shipping can load trucks from 7:00am until late into the evening. If overall noise is a consideration, this should be taken into account.

Thanks for your time and consideration.

Gregory R. Monk  
President/CEO  
Nature's Enhancement, Inc.

RECEIVED

MAR 05 2008

EXHIBIT B-6

To whom it may concern:

Ravalli County Planning Dept.  
Public Hearing

We would like to offer our opinion about subdivisions and the development of land in Ravalli County. We have been landowners here in the Willoughby area for nearly 50 years, and are the second generation on the same land. We have seen many changes so have formed opinions and observations.

1. The sale of our land is the only retirement plan we have available to us. We have seen the prices of everything double and quadruple over these years, therefore, we know we have to get the most possible for the land in order to have enough to sustain us through our advancing years.
2. The weather patterns, the numbers of elk, the prices of equipment and supplies, all have developed so that farming is no longer a viable business. If you want to keep the community as an agriculture community, you have to make it profitable or at least a living wage. That is not going to happen. Therefore, the only uses left for the land is housing.
3. This is a land of free enterprise. The system will only work if we will get out of the way and allow private landowners to make the most possible from their land ownership. That is what the entire economy is based upon.
4. We have seen many new homes built in our community. Many farms are now divided for many smaller pieces with many more houses on them. Never did I step forward and say, "No you can't build there. You will spoil my view, or you will spoil my shooting range." I have welcomed each new neighbor with a plate of cookies or a supply of fresh garden vegetables. Each new neighbor has become my friend. Now I am old and can no longer care for the acreage we have cared for so many years. Our children cannot make a living doing the same things we have all these years. The only option I have is sell the land for houses. Now don't stop me from doing the same thing as all these "new neighbors" have done. We shall find more new neighbors and all shall have more friends.

Sincerely, Dan and Shirley Rasmussen

*Shirley Rasmussen*  
*Dan Rasmussen*

**Kathleen Driscoll**

---

**From:** "Vinda Milless" <vinda@buybitterroot.com>  
**To:** <driscoll@bresnan.net>  
**Sent:** Tuesday, March 04, 2008 9:40 PM  
**Subject:** Commissioners hearing

## EXHIBIT B-7

Hello Everyone,

I believe most of you have heard about the commissioner's hearing that is set for tomorrow, Wednesday, March 5th. It has changed to 3:00 in the afternoon. If it is at all possible for you to be there, PLEASE COME!

This is concerning a 20 lot subdivision that was nearly finished when the 2 for 1 went into effect. It was arbitrarily decided that this particular subdivision would not be approved, even though others were. The owners re-engineered everything for 17 two-acre lots on the 40 acres instead of the original 20 1-3 acre lots and went to the expense and time to redo everything. (Now buyers don't have a choice and lots are more expensive but. . . ) It has met all the criteria again. Instead of the commissioners signing off on it, however, at the last minute they decided to try to get a legal opinion that this was, at one time, agricultural land and therefore the subdivision should be denied.

What has been happening is that a subdivision is denied but then if the developer comes up with some additional money, it is approved. If a subdivision is not good, the developer should be told that in the beginning - or as soon as that is discovered - so they do not waste so much time and money. Additionally, if it is a "bad" subdivision, it will not become a "good" subdivision if the developer is forced to pay an additional \$500 per lot or some such fee. If it meets the criteria, it should be approved without these delay tactics and expensive posturing, which is costing our clients an enormous amount of money when they try to purchase property in Ravalli County.

I hope to see you and your friends at this hearing to voice your opinions. This concerns all of us.



Vinda Milless, Broker, GRI, CRS  
**The Bitterroot Team** ByOwner  
 300 Main Street, Stevensville, MT 59870  
 Ofc: 777-0710 Cell: 406-370-1747  
[Vinda@BuyBitterroot.com](mailto:Vinda@BuyBitterroot.com)  
[www.BuyBitterroot.com](http://www.BuyBitterroot.com)

This email has been sent in response to an inquiry by you. If you do not wish to receive any further information from us by email, please notify us. Thank you.

If you do not wish to receive future emails, please click the link to Unsubscribe: [Unsubscribe](#).

# ATTACHMENT A

\*Based on 38 acres and 4 ton/acre average production

Seed	\$2.50/lb x 12/lbs/acre =	\$1,140
Fertilizer	\$600/ton x 200 lbs/acre =	\$2,280
Field Prep	\$120/acre (plow/disc/level) =	\$4,560
Plant	\$30/acre =	<u>\$1,140</u>
		<b>\$9,120</b>

Irrig. Fee	\$10.50/acre =	\$399
Irrig Labor	\$15.00/hr x 56hrs x 2 crops =	\$1,680
Swather	\$25/acre x 2 crops =	\$1,900
Hay Turning	\$25/acre x 2 x 2 crops =	\$3,800
Baling	\$35/acre x 2 crops =	\$2,660
Bail Wagon	\$0.50/bail x 3,898 =	<u>\$1,949</u>
	(based on a 78 lb. bail at 4 tons/acre)	<b>\$12,388</b>

**Total \$21,508**

Hay Prdctn	38 acres x 4 ton/acre =	152 ton
Gross Product	152 ton x \$135 =	<b>Gross Product \$20,520</b>

Gross Product	20,520
-Total Cost	<u>21,508</u>
1 <sup>st</sup> Year Profit	<b>\$ -988 (not including debt service)</b>

**RECEIVED**

**MAR 05 2008**

Ravalli County Planning Dept.  
Public Hearing

*rec'd from  
applicant @  
3/5/08 RB mty*

## Proposed Prime Farmland Disturbance

### Willoughby Lots

Total Lot Size	1,640,778.30 Sq. Ft	37.67 Acres
Total Number	18.00 LOTS	
Average Size	91,040.40 Sq. Ft	2.09 Acres
Average House Size	2,500.00 Sq. Ft	0.06 Acres
TOTAL HOUSE AREA	45,000.00 Sq. Ft	1.03 Acres

### Right of Way

Total Easement	155,986.00 Sq. Ft	3.58 Acres
Total Asphalt	48,079.62 Sq. Ft	1.10 Acres
Remainder	107,906.38 Sq. Ft	2.48 Acres

### Driveways

Number of Lot	18.00 Lots	
Estimated Length	100.00 Ft	
Estimated Width	18.00 Ft	
Total Driveway	32,400.00 Sq. Ft	0.74 Acres

Estimated Disturbed Area	185,306.38 Sq. Ft	4.25 Acres
Total Subdivision	1,640,778.30 Sq. Ft	37.67 Acres
Total Estimated Undisturbed Area	1,455,471.92 Sq. Ft	33.41 Acres

% Disturbed Prime Farmland  
(Assumes Subdivision is 100% Prime  
Farmland)

**11%**

Whereas, the citizens of Ravalli County have the authority, pursuant to Montana Code Annotated Section 7-5-131, through initiative to adopt an interim zoning regulation to protect the public health, safety and general welfare where an emergency situation exists; and

Whereas, the citizens of Ravalli County, Montana, deem an interim zoning regulation limiting development to one (1) dwelling per two (2) acres necessary to address the emergency situation in Ravalli County until long-term zoning regulations have been adopted; and

Whereas, it is urgent, necessary, and appropriate to adopt an interim zoning regulation to forestall further unregulated development that will have a detrimental effect on the public health, safety, and general welfare; and

Whereas, this Interim Zoning Regulation relating to the ratio of dwellings to land area is made with reasonable consideration, among other things, of the character of the county and the suitability for particular uses and particular areas, with a view to conserving the value of existing uses while encouraging appropriate future uses until long-term zoning regulations have been adopted; and

Whereas, this Interim Zoning Regulation is designed to provide the following emergency protections pending the adoption of long-term zoning regulations thoroughly addressing development in Ravalli County:

1. Protect the public health, safety, and general welfare of the people; and
2. Conserve the values of property throughout the county and protect the character and stability of agricultural, residential, business, and industrial areas.

NOW, THEREFORE, an Interim Zoning Regulation is hereby adopted as an emergency measure in order to promote the public health, safety, and general welfare pursuant to Montana Code Annotated 76-2-206. This Interim Zoning Regulation shall be applied to all of the unincorporated area of Ravalli County.

No preliminary plat subdivision applications may be approved that provide for the building of residences at a higher density than one dwelling per two (2) acres. This regulation applies to all subdivision preliminary plat applications that have not yet been approved or conditionally approved. In addition to this density requirement, all other applicable subdivision and zoning requirements must also be met prior to review for approval.

**BOARD OF ADJUSTMENT.** This Interim Zoning Regulation shall provide for the appointment of a Board of Adjustment pursuant to Montana Code Annotated 76-2-221 through 76-2-228, and the regulations and restrictions adopted pursuant to the authority of that part shall provide that the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning regulation in harmony with its general purposes and intent and in accordance with the general or specific rules of that part.

Pursuant to Montana Code Annotated 76-2-221(2), the board of adjustment shall adopt rules in accordance with the provisions of this Interim Zoning Regulation. No rule will be inconsistent

Resolution No 2038.



To Whom It May Concern:

My name is Phillip Ludlow, and my family has been farming in the Stevensville area since the late 1940's and on Willoughby Lane since the early 1950's. My grandfather and my father both received numerous awards for the production, and quality of our family dairy. Needless to say, our property is still in use for agricultural purposes, and will be for many years to come.

We have been excited about the prospect of an agriculture friendly subdivision in the area, ever since we heard of the possibility several months ago. We are enthused at the chance to defer some of the maintenance costs related to the union ditch, and the chance to sell more of our produce to new neighbors.

No variances have been requested, the road will see a minimum increase in traffic, due to the ideal location of this development in relation to the Eastside Highway, and many of our new neighbors will participate in the agricultural tradition of this area, by utilizing their 2+ acre lots.

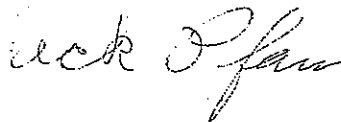
Hence we see nothing negative coming from this subdivision, and look forward to the speedy approval of this and other responsible developments in the valley.

Sincerely, Phillip B. Ludlow

A handwritten signature in dark ink, appearing to read "Phillip B. Ludlow", written over a horizontal line.

To Whom It May Concern:

I was born and raised in Ravalli County and have lived on a farm all of my life. I know that farm land is not going up in price whereas subdivision price is. Self employed farmers do not have a retirement plan to depend on when they retire. The only retirement we have is the land that we own, the land that has been driven up in value by the recent influx of residents to our valley. The county has in place six criteria that is to be met before a piece of land can be considered for subdivision. If all six are met then I feel you have no choice but to approve it. I believe that Willoughby Estates has met that criteria and therefore should be approved.

A handwritten signature in cursive script that reads "Jack Pfau". The signature is written in dark ink and is positioned above the typed name and address.

Jack Pfau  
2685 Eastside Hwy  
Stevensville, Mt 59870

February 25, 2008

To Whom It May Concern:

We wish to offer our support of the proposed subdivision Willoughby Estates. Our family has lived on Willoughby Lane for 50 years, known the Strange family for 54 years. They have lived on this land for 6 generations; they have been leading citizens of this valley serving the community faithfully. At this time there are no heirs to continue farming the property, there are also health concerns. The high cost of farming has made negative returns—land taxes, fuel, insurance, and other operating costs. The health concerns necessity the need for funds. Liquidating the property for subdivision is a means of accessing the equity they have built up for times such as this and for retirement years. The revenue generated from this sale, will also provide operating costs for continued farming activity of the existing farmland.

The Strange family sold the property with the understanding that it would be developed; the sale is contingent on the approval of the subdivision.

The location is ideal for a subdivision; they are close to a fire department, on a bus route, garbage route, mail, oiled road, and within easy access of main roads and towns. The increase in traffic would not affect the current residents of Willoughby.

The development will increase the tax base of this property, thus befitting the local school, and community. The residents of this subdivisions would help defer the cost of maintance of the Union Ditch Water system. Thus, adding local farming by alleviating the need for increase water dues to maintain the ditch.

As a local farming family, we intend to continue farming the Willoughby area and see no negative affects from this sale. The sale will actually benefit our family farm by increasing consumer activities of our products.

We once again wish to offer our support of this subdivision.

The McPherson Family

Kenneth

Elaine

Hans

Peter

Chris

Penny

Tina

Debby

Owen and Jeanie Robbins